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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,270	08/09/2001	Thomas D. Petite	081607-1170	5549

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Douglas D. Salyers, Esq.  
Bank of America Plaza  
600 Peachtree Street, N.E.  
Suite 5200  
Atlanta, GA 30308-2216

EXAMINER

HABTE, ZEWDU

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/925,270

Applicant(s)

PETITE ET AL.

Examiner

Zewdu Habte

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-21 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 12/10/01 & 08/19/02
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. In claims 1, 5 and 16 are objected to because of the following informalities:

In claim 1, lines 7-8, "the personal identification device" should be changed to – the mobile communication device—.

In claim 1, line 14, "the mobile identification device" should be changed to – the mobile communication device—.

In claim 5, line 5, "command code;" should be changed to – command code.—.

In claim 16, line 16, "command code;" should be changed to – command code.—.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7, 9, 11, 13-15, 18, 20 and 22 are rejected under 35 U.S.C. 103(a) as being anticipated by Canada et al. (5907491) in view of Boatman et al.(5892690).

As to claims 1, 13 and 22, Canada discloses a ... communication device [Fig. 1, machine monitor 4j] adapted for use with an automated monitoring system [Fig. 1, a wireless machine monitoring system illustrated] for monitoring, and controlling a plurality

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of remote devices [col. 4, lines 41-57, machine monitor 4..., transmits wireless signals containing status data of a representative of the status of the machine ... to a command station 6 (monitoring) and a command station 6 which transmits commands (controlling messages)], the automated monitoring system comprising a site controller [Fig. 1, a command station 6] in communication with the plurality of remote devices [col. 4, lines 50-60, a command station 6 which transmits commands and information (in communication) to the machine monitors 4] via a plurality of transceivers defining a wireless communication network [col. 3, lines 5-8, each machine monitor includes a wireless transmitter and receiver (transceivers)] and in communication with a host computer [Fig. 4 (command station communicating with computer network col. 8, lines 6-15, command station 6 can be connected to a PC network 10 (host computer)] via a wide area network [(implicitly taught because the use of repeaters in a network suggests that the devices are far apart from the command station, which implies that the network is a wide area network)], the ... communication device comprising:

memory [Fig. 3, memory 422] comprising a unique identifier associated with the ... communication device [col. 16, lines 50-62, the identification code (a unique identifier)];

logic [Fig. 3, processor 420] responsive to ..., and configured to retrieve the unique identifier from memory and generate a transmit message [col. 17, lines 19-24, when such an extreme fault conditions occurs, the monitor computer 418 wakes up from the standby mode, processes (because the monitor computer 418 configured a certain way, it processes), and transmits a data packet consisting of the machine monitors

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identification code and the sensor data to the command station 6] using a predefined communication protocol being implemented by the wireless communication network [col. 7, lines 13-21, a time-division communication protocol], the transmit message comprising the unique identifier and configured such that the transmit message may be received by the site controller via the wireless communication network and such that the site controller may identify the ... identification device [col. 16, lines 50-62, (it is mentioned above that control station 6 identify each monitor with monitor's identification code which is included in the message)] and notify the host computer of the transmit message [col. 8, lines 6-9, command station 6 is able to transfer data to the network 10 for analysis and archival storage]; and

a wireless transmitter [Fig. 3, transceiver 430] for communication over the wireless communication network and configured to provide the transmit signal to the wireless communication network [col. 17 lines 3-12, ... each machine monitor transceiver 403 is assigned (configured to provide) a unique frequency band over which to transmit the sensor data to the command station 6].

Although Canada teaches magnetic mount [easily movable] communication device [Fig. 1 and 2, machine monitor 4)] for monitoring purposes does not specifically teach a mobile communication device that responsive to a transmit command, but Boatman teaches a mobile communication device [Fig. 1, mobile sensors 14a-n] that responsive to a transmit command [col. 4, lines 25-33, for collecting data remotely to a central database]. It would have been obvious to one of ordinary skill in the art to combine Canada with Boatman for the purpose of having a mobile communication

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device that responsive to a transmit command in an automated monitoring system. The motivation is to establish an access to a network from a remote station in order to gain a wider service client.

As to claim 2, Canada discloses that the logic is stored in memory and the device further comprises a microcontroller responsive to the transmit command and configured to implement the logic [Fig. 3, data processor 420, col. 5, lines 50-52].

As to claims 3 and 14, Canada discloses the wireless transmitter is configured to provide the transmit signal as a radio frequency signal [col. 14, lines 66-67 and col. 15, lines 1-5].

As to claims 4 and 15, Canada discloses the wireless transmitter is configured to provide the transmit signal as a low power radio frequency signal [(implicitly taught because in order to save power and avoid interference in the network, a low power radio frequency is used)].

As to claims 7 and 18, Canada teaches [col. 17, lines 19-24, an extreme fault condition (an emergency) occurs...transmits signal to the command station].

As to claims 9 and 20, Canada discloses a handheld computer integrated with a wireless mobile installation and configuration unit [Fig. 10, keyboard 920, display 922], which is attached to a data processor of the unit. Although Canada does not disclose using the handheld computer integrated to directly to the machine monitor 4, but machine monitor 4 and installation configuration unit, ICU uses a data processor. According to Canada user interfaces with ICU's processor through a keyboard and LCD [col. 9, lines 11-14]. Since machine monitor 4 includes processor 420, it would have

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Kuriyan teaches in order to change status waiting for a signal acknowledgment [claim 1, lines 13-14]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Canada and Boatman with Kuriyan for the purpose of transmitting a signal using a mobile communication device until an acknowledgement received. The motivation is for a monitoring device to go in a loop of transmitting signal to the command station in the event of device breakdown, this way the whole system is prevented from further damage.

6. Claims 5, 10, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada and Boatman as applied to claims 1 and 13 above, and further in view of Nakano et al. (US 6400819 B1).

As to claims 5 and 16, neither Canada nor Boatman disclose the predefined communication protocol comprises a data packet that comprise a receiver address, a sender address, and a command indicator in detail; but Nakano teaches a packet header includes a source address so a router knows from where the packet is transmitted [Fig. 38 @ 3812], a destination address so a router knows to which router or end point the packet is going to go [Fig. 38 @ 3811], and a command indicator that indicates a value used by a receiver to identify a process to perform accordingly. It would have been obvious to one of ordinary skill in the art to combine Canada and Boatman with Nakano for the purpose of having a destination address, a source address, and a command indicator field in a header. The motivation is to control sensor's functionality indicated by the command field in a header, so that particular

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been obvious to one of ordinary skill in the art to combine processor 420 with ICU's keyboard and LCD for the purpose of having a hand held computer in a wireless network. The motivation is to have an access to the mobile communication device, so the device get configured or updated as new future arises.

As to claim 11, Canada discloses the data packet further comprises a data payload [message] and a checksum field for performing a redundancy check [col. 18, line 39, the sensor data message (payload) and cyclic redundancy check, CRC].

4. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada and Boatman as applied to claims 1 and 13 above, and further in view of a well known art.

As to claims 6 and 17, neither Canada nor Boatman each signal encryption, but traditionally, signal encryption is used to scramble data in data networking. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Canada and Boatman with the well-known art for the purpose of scrambling the signal, and the motivation being to ensure secure communication.

5. Claims 8, 19, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada and Boatman as applied to claims 1 and 13 above, and further in view of Kuriyan (US 6678255 B1).

As to claims 8, 19, 23 and 24, Canada and Boatman disclose a wireless receiver with the wireless transmitter [Fig. 10 transceiver 908] and wherein the transmit signal is transmitted until...received. Neither Canada nor Boatman disclose that retransmitting signal until an acknowledgement command is received from the site controller, but



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packet gets transmitted from a source to a destination according to the quality of service indicated in a packet header.

As to claims 10 and 21, neither Canada nor Boatman discloses the mobile communication device is integrated with a wireless telephone, but Nakano discloses a wire-line telephone integrated with sensors [Fig. 1 @ 26]. Although it is wire-line telephone it would have been obvious to have wireless, and combine Canada and Boatman with Nakano for the purpose of wireless telephone communication in the network. The motivation is to utilize service widely over a wireless telephone network.

### ***Allowable Subject Matter***

7. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zewdu Habte whose telephone number is 571-272-3115. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KENNETH VANDERPUYL  
PRIMARY EXAMINER

Zewdu Habte (Zed)  
Examiner  
Art Unit 2661

ZH  
April 18, 2005